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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
25 January to 8 March 1991

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-seventh session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 28 January to 8 March 1991. The first meeting will be convened at 11 a.m. Monday, 28 January 1991.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. The forty-seventh session of the Commission is expected to be preceded by meetings of four groups in connection with the following items:

(a) Item 12 (b): Working Group on Situations, composed of five members of the Commission, to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41) is scheduled to meet from 21 to 25 January 1991;

(b) Item 14: an open-ended working group established to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care (Commission resolution 1990/38, Economic and Social Council resolution 1990/37) is scheduled to meet from 29 October to 9 November 1990;

(c) Item 15: the group of three members of the Commission appointed under article IX of the International Convention on Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of that Convention (Commission resolution 1990/12, Economic and Social Council decision 1990/223) is scheduled to meet from 21 to 25 January 1991;

(d) Item 23: an open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1990/47, Economic and Social Council resolution 1990/40) is scheduled to meet from 16 to 25 January 1991.

In-session working groups

4. In connection with item 11, the Commission, by decision 1990/115, and the Economic and Social Council, by decision 1990/249, requested the working group established at the forty-sixth session pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989 to continue its work as a sessional working group during the forty-seventh session with a view to presenting its recommendations to the Commission.

5. In connection with item 20, the Commission, by resolution 1990/45, and the Economic and Social Council, by resolution 1990/39, decided to establish at its forty-seventh session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

6. Any decisions and resolutions affecting the provisional agenda of the forty-seventh session of the Commission, which may be taken by the General Assembly at its forty-fifth session or by the Economic and Social Council at its organizational session in 1991, will be brought to the attention of the Commission in an addendum to the present document. The annotations to the items listed in the provisional agenda will also be issued in an addendum.

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Provisional agenda

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2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Violations of human rights in southern Africa: report of the Ad hoc Working Group of Experts.

6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa.

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

   (b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.

8. Question of the realization of the right to development.

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

   (a) Torture and other cruel, inhuman or degrading treatment or punishment;

   (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

   (c) Question of enforced or involuntary disappearances.

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

   (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-seventh session.

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

14. Human rights and scientific and technological developments.

15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

17. Status of the International Covenants on Human Rights.

18. Effective functioning of bodies established pursuant to United Nations human rights instruments.

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

21. Advisory services in the field of human rights.

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

24. Status of the Convention on the Rights of the Child.

25. Draft provisional agenda for the forty-eighth session of the Commission.

26. Report to the Economic and Social Council on the forty-seventh session of the Commission.

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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
28 January-8 March 1991

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. The Commission will have before it the provisional agenda (E/CN.4/1991/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission will recall that at its last seven sessions, it had set time-limits for statements. At its forty-sixth session, for example, these limits were as follows: members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes or two statements of 10 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely limitation to two replies, 10 minutes for the first and 5 minutes for the second, would again be observed. In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

5. The attention of the Commission is also drawn to Economic and Social Council decision 1990/250 of 25 May 1990, by which the Council noting Commission on Human Rights decision 1990/116 of 9 March 1990, decided to authorize, if possible within existing financial resources, 30 fully serviced additional meetings, with summary records, for the forty-seventh session of the Commission. The Council took note of the Commission's decision to request the Chairman, at the forty-seventh session, to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be held only if they prove absolutely necessary.

Working groups

6. The session will be preceded by meetings of four pre-session working groups indicated in E/CN.4/1991/1, paragraph 3 (a-d). In addition, it is foreseen that two in-session working groups will meet during the forty-seventh session of the Commission as indicated in E/CN.4/1991/1, paragraphs 4 and 5.

Composition of the Commission

7. The following is the composition of the Commission for 1991. The year given in brackets against the name of each State indicates the expiry of the term of membership on 31 December of that year:

Argentina (1993), Australia (1993), Austria (1993), Bangladesh (1991), Belgium (1991), Brazil (1992), Burundi (1993), Canada (1991), China (1993), Colombia (1991), Cuba (1991), Cyprus (1991), Czechoslovakia (1993), Ethiopia (1991), France (1992), Gambia (1993), Germany (1993), Ghana (1992), Hungary (1992), India (1991), Indonesia (1993), Iraq (1992), Italy (1992), Japan (1993), Madagascar (1992), Mauritania (1993), Mexico (1992), Morocco (1991), Pakistan (1992), Panama (1991), Peru (1993), Philippines (1992), Portugal (1993), Senegal (1992), Somalia (1992), Swaziland (1991), Sweden (1991), Ukrainian Soviet Socialist Republic (1991), Union of Soviet Socialist Republics (1991), United States of America (1992), Venezuela (1993), Yugoslavia (1992) and Zambia (1993).

Assistance to Guatemala in the field of human rights

8. The Commission may wish to recall its resolution 1990/80, adopted at its forty-sixth session, in which it requested the Secretary-General to appoint an independent expert to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights, who shall prepare a report with appropriate recommendations for submission to the Commission at its forty-seventh session. The Commission further decided to consider the question under an item of its agenda to be determined in the light of the above-mentioned report and of the situation of human rights in Guatemala. The Economic and Social Council, by decision 1990/244 of 25 May 1990, endorsed the Commission's recommendation. Pursuant to this request, the Secretary-General appointed Professor C. Tomuschat (Germany) as the expert under the resolution.

9. The report of the Independent Expert will be before the Commission, at its present session, in E/CN.4/1991/5 and Add.1.

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

10. The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

11. At its forty-sixth session, the Commission adopted resolution 1990/2 A and B and 1990/3 in which it decided to place this item on the agenda of the forty-seventh session as a matter of high priority.

12. The Commission also adopted resolution 1990/1 relevant to this item.

13. At its forty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1990/12 on the situation in the Palestinian and other Arab territories occupied by Israel.

14. Attention may also be drawn to Economic and Social Council resolution 1990/11 on the situation of Palestinian Women.

15. In accordance with paragraphs 5 and 6 of resolution 1990/2 A, paragraph 6 of resolution 1990/2 B and paragraph 6 of resolution 1990/3, the Commission will have before it the report of the Secretary-General on the implementation of the said resolutions (E/CN.4/1991/6) and a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the condition in which the population of the Palestinian and other occupied Arab territories is living (E/CN.4/1991/7).

Item 5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

16. The Ad Hoc Working Group of Experts on southern Africa was established by the Commission on Human Rights in accordance with resolution 2 (XXIII) of 6 March 1967. Since then, the Commission has renewed the mandate of the Ad Hoc Working Group regularly, and most recently at its forty-sixth session by resolution 1990/26. The renewal of the mandate was endorsed by the Economic and Social Council in decision 1990/228. The Ad Hoc Working Group is composed of Leliel Mikuin Balanda (Zaire), Felix Ermacora (Austria), Mulka G. Reddy (India), and Elly E.E. Mtango (United Republic of Tanzania). Humberto Diaz Casanueva (Chile) tendered his resignation on 22 November 1990. Furthermore, the Commission was informed that the sixth member of the Group, Branimir Jankovic (Yogoslavia), passed away on 29 September 1990.

17. At its forty-sixth session, by resolution 1990/26, the Commission requested the Group to continue to investigate and study the policies and practices which violate human rights in South Africa as well as the infringements of trade union rights in South Africa, in accordance with Economic and Social Council resolution 1987/63 of 29 May 1987, and submit its final report to the Commission at its forty-seventh session and to the General Assembly at its forty-sixth session.

18. By resolution 1990/11, the Commission requested the Group to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa. It also requested the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other inhuman treatment of children in South Africa and to report on the outcome of his efforts to the Commission, at its forty-seventh session.

19. The Commission, at its forty-sixth session, also adopted resolution 1990/60, in which it decided to terminate the mandate of the Working Group on the questions relating to Namibia. Reference could also be made to Economic and Social Council resolution 1990/13 on women and children under Apartheid.

20. In pursuance of these resolutions, the Commission will have before it the Ad Hoc Working Group's final report (E/CN.4/1991/10), and a report of the Secretary-General (E/CN.4/1991/9) pursuant to paragraph 10 of Commission resolution 1990/11.

Item 6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

21. This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

22. At its forty-sixth session, the Commission adopted resolutions 1990/22 and 1990/23, by which it expressed its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report containing the list of banks, transnational corporations and other organizations assisting the racist and colonial régime of South Africa.

23. Upon the recommendation of the Commission on Human Rights in its resolution 1990/23, the Economic and Social Council, by its resolution 1990/34 of 25 May 1990, invited the Special Rapporteur to continue to update his list and to submit the report to the Sub-Commission at its forty-second session and to the Commission at its forty-seventh session.

24. At its forty-second session, the Sub-Commission had before it the updated report of the Special Rapporteur and adopted resolution 1990/3, by which it recommended, through the Commission, that the Economic and Social Council should invite the Special Rapporteur to continue to update his list.

25. It further recommended that the Secretary-General be requested to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission with the perspective of the next update of the present report.

26. At the present session, the Commission will have before it the updated report by the Special Rapporteur (E/CN.4/Sub.2/1990/13 and Add.1).

27. The Commission will also have before it draft resolution I contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1991/2).

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

(b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

28. The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on the agenda as a standing item with high priority. In 1980, the Commission added the present sub-item (b). In 1989, it modified the original sub-item (a) entitled "Problems related to the right to enjoy an adequate standard of living; the right to development" and decided to consider the right to development under a separate agenda item at its forty-sixth session.

Sub-item (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

29. The Commission, at its forty-sixth session, adopted resolution 1990/17, in which it welcomed the efforts made by the Committee on Economic, Social and Cultural Rights to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant. It further welcomed the dialogue between the Committee and the Special Rapporteur of the Sub-Commission on the realization of economic, social and cultural rights and invited the Special Rapporteur, when preparing a progress report, to take into account comments made in the Commission, give priority to identifying practical strategies to promote for everyone economic, social and cultural rights, and paying particular attention to the most vulnerable and disadvantaged. Also, at its forty-sixth session, the Commission adopted resolution 1990/24, in which it invited Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights. It also requested the Sub-Commission to submit the second report of the Special Rapporteur to the Commission, at its forty-seventh session.

30. Reference may also be made to Commission resolution 1990/15 entitled "Human rights and extreme poverty", in which the Commission requested the Sub-Commission to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question. Attention may further be drawn to Commission resolution 1990/16 entitled "Question of trade union rights".

31. At its forty-second session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1990/19) and adopted resolution 1990/16. In that resolution, the Sub-Commission endorsed the preliminary recommendations made in this report (ibid: para. 218) and requested the Special Rapporteur to submit a second progress report to the forty-third session of the Sub-Commission. It further invited the Commission to consider requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

32. The Sub-Commission at its forty-second session, further decided, by its decision 1990/119, to request Mr. Eduardo Suescún Monroy to prepare, without financial implications, the method and plan of work for the study on human rights and extreme poverty.

33. The Sub-Commission also adopted resolution 1990/17 entitled "Human rights dimensions of population transfer, including the implantation of settlers and settlements".

34. In regard to this sub-item, the Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1990/19).

Sub-item (b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

35. At its forty-sixth session, the Commission adopted resolution 1990/14, in which it requested the Secretary-General, in preparing a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, to use all channels at his disposal to collect the relevant information and substantive views and comments, and to submit the study to the Commission, at its forty-seventh session.

36. In regard to this sub-item, the Commission will have before it the study of the Secretary-General (E/CN.4/1991/11).

Item 8. Question of the realization of the right to development

37. The Commission in its resolution 1989/45 decided to include the present item on the agenda of its forty-sixth session.

38. The Declaration on the Right to Development was proclaimed by the General Assembly at its forty-first session in resolution 41/128 of 4 December 1986. The Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights in 1981, had held nine sessions in the period preceding the adoption of the Declaration to the content of which it contributed. Subsequent to the proclamation of the Declaration, the Working Group has held three sessions in January 1987, 1988 and 1989 prior to the sessions of the Commission on Human Rights.

39. In accordance with Commission resolution 1989/45, endorsed by the Economic and Social Council in decision 1989/141, the Secretary-General organized a global consultation on the right to development which took place from 8 to 12 January 1990, at Geneva.

40. At its forty-sixth session, the Commission adopted resolution 1990/18, in which it requested the Secretary-General to transmit the report on the global consultation (E/CN.4/1990/9/Rev.1) to all Governments, United Nations organs, the General Assembly at its special session on international economic co-operation to be held in April 1990, the Ad Hoc Committee of the Whole on the Preparation of the International Development Strategy for the Fourth United Nations Development Decade, the Committee on Development Planning at its twenty-sixth session and the Administrative Committee on Co-ordination, the specialized agencies and other intergovernmental, governmental and concerned non-governmental organizations with a view to obtaining concrete comments and proposals for further international and national action aimed at strengthening the existing, or creating possible new, mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VII of the report and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts, and also requested the Secretary-General to submit to the Commission, at its forty-seventh session, a comprehensive report containing the comments and proposals referred to above, as well as information on the measures taken and suggestions made for the continuing implementation of the Declaration on the Right to Development within the United Nations system.

41. The Commission, in the same resolution, further requested the Secretary-General to publish the report on the global consultation and to distribute it as widely as possible. The Economic and Social Council endorsed the request in its decision 1990/225.

42. At its present session, the Commission will have before it in connection with this item the report of the Secretary-General in accordance with resolution 1990/18 (E/CN.4/1991/12).

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

43. This item has been on the Commission's agenda since 1975. At its forty-sixth session, the Commission adopted the following resolutions under this item: 1990/4 entitled "Question of Western Sahara", 1990/5 entitled "Situation in Afghanistan", 1990/6 entitled "Situation in occupied Palestine", 1990/8 entitled "Situation in southern Africa", 1990/9 entitled "Situation in Cambodia" and 1990/10 entitled "Situation in Panama". In resolutions 1990/4, 1990/5, 1990/6, 1990/8 and 1990/9, the Commission decided to keep these situations under review as a matter of high priority at its forty-seventh session.

44. Under this item mention should also be made of Economic and Social Council decision 1990/256 referring to the situation in Cambodia.

45. The Commission will have before it a report of the Secretary-General prepared in accordance with Commission resolution 1990/6 (E/CN.4/1991/13).

Special Rapporteur on the question of mercenaries

46. At its forty-third session, the Commission, by resolution 1987/16, decided to appoint for one year a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. On 1 September 1987, the Chairman of the Commission appointed Mr. Enrique Bernales Ballesteros (Peru) as Special Rapporteur of the Commission on the question of mercenaries.

47. At its forty-fourth session, the Commission adopted resolutions 1988/7 and 1988/30, in which it extended the mandate of the Special Rapporteur for two years. At its forty-sixth session, the Commission adopted resolution 1990/7 entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination", in which it extended the mandate of the Special Rapporteur for two years and requested him to submit to the Commission at its forty-seventh session a report, and a preliminary report to the General Assembly at its forty-fifth session. The Economic and Social Council endorsed this request by its decision 1990/222.

48. The report of the Special Rapporteur to the Commission is contained in document E/CN.4/1991/14.

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances.

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

49. This item has been considered annually since 1984 by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Action taken by the General Assembly so far has included adoption of a declaration and a convention against torture, adoption of the Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty.

Special Rapporteur on Torture

50. At its forty-first session, the Commission, by resolution 1985/33, decided to appoint Mr. Peter Kooijmans (Netherlands) for a year as Special Rapporteur to examine questions relevant to torture. His mandate was subsequently renewed by Commission resolutions 1986/50, 1987/29 and lastly by resolution 1988/32 for two years.

51. At its forty-sixth session, the Commission adopted resolution 1990/34, in which it extended the mandate of the Special Rapporteur for a further two years while maintaining the annual reporting cycle, in order to enable him to submit further conclusions and recommendations to the Commission at its forty-seventh session. The Economic and Social Council endorsed the decision of the Commission by its decision 1990/231. In pursuance of this request the Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/17).

United Nations Voluntary Fund for Victims of Torture

52. The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In resolution 1990/29, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions, if possible on a regular basis. The Commission furthermore requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis.

53. The Commission will have before it the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture presented to the General Assembly at its forty-fifth session (A/45/633) and a further report (E/CN.4/1991/16) covering any developments that may have occurred following circulation of the report to the Assembly.

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

54. By its resolution 1990/28, the Commission requested the Secretary-General to continue submitting to the General Assembly and to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 1985 and entered into force on 26 June 1987. The Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1991/15).

Sub-item (c) Question of enforced or involuntary disappearances

55. In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as

experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions, the Commission extended the term of the Working Group's mandate by one year.

56. At its forty-second and forty-fourth sessions, the Commission decided, inter alia, to extend the Working Group's mandate for two years. At its forty-sixth session, by resolution 1990/30, the Working Group was requested to report to the Commission, at its forty-seventh session, on its work. By decision 1990/230, the Economic and Social Council approved the Commission's request to extend the mandate of the Working Group for two years. The Working Group is made up of Toine van Dongen (Netherlands), Jonas K.D. Foli (Ghana), Aga Hilaly (Pakistan), Diego García-Sayán (Peru) and Ivan Tosevski (Yugoslavia).

57. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20 and Add.1).

Question of human rights and states of emergency

58. The attention of the Commission is drawn to the work of the Sub-Commission on this question. A third annual report and a list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, was presented by the Special Rapporteur on states of emergency, Mr. Leandro Despouy, to the Sub-Commission at its forty-second session (E/CN.4/Sub.2/1989/30/Rev.1). The Sub-Commission also had before it a working paper presented by the Special Rapporteur (E/CN.4/Sub.2/1990/33 and Add.1 and 2). By resolution 1990/19, the Sub-Commission invited the Special Rapporteur to update his report so that the Commission, at its forty-seventh session, would have before it the most recent and accurate information available, and recommended, through the Commission on Human Rights, to the Economic and Social Council that it endorse the request of the Sub-Commission to the Special Rapporteur to continue to update the list on states of emergency and to present in his annual report to the Sub-Commission and the Commission draft standard provisions on emergency situations.

59. The Commission will have before it the revised and updated report (E/CN.4/Sub.2/1989/30/Rev.2), and draft decision 1, contained in chapter I, section B of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59).

Staff members of the United Nations and specialized agencies in detention

60. Both the Commission and the Sub-Commission have dealt with the detention, disappearance and death in detention of United Nations staff members. In its resolution 1990/31, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected. It further requested him to submit to the Commission, at its forty-seventh session, an updated version of the report he had submitted to it at its forty-fifth session, on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report.

61. The Sub-Commission at its fortieth session, had before it, pursuant to its resolution 1987/21, a report of the Secretary-General on this subject. It adopted resolution 1988/9 in which it decided to entrust one of its members, Mrs. Maria Concepción Bautista, with the task of undertaking an examination of violations of human rights of staff members of the United Nations system.

62. At its forty-second session, the Sub-Commission had before it the updated report of Ms. Bautista (E/CN.4/Sub.2/1990/28) and adopted resolution 1990/20, in which it invited Ms. Bautista to continue her study so as to submit to the Sub-Commission, at its forty-third session, a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants.

63. At its present session, the Commission will have before it a report of the Secretary-General (E/CN.4/1991/18).

Right to freedom of opinion and expression

64. At its forty-sixth session, the Commission adopted resolution 1990/32, in which it endorsed the appointment by the Sub-Commission of Mr. Joinet and Mr. Türk to prepare a study on the right to freedom of opinion and expression and decided to review the question at its forty-seventh session on the basis, inter-alia, of a preliminary report of the Special Rapporteurs. The Economic and Social Council endorsed the recommendation of the Commission in its resolution 1990/35.

65. The Sub-Commission, at its forty-second session, had before it the preliminary report of the Special Rapporteurs (E/CN.4/Sub.2/1990/11). In its decision 1990/117 it decided to give priority consideration to the updated report on the subject-matter at its forty-third session.

66. At the present session, the Commission will have before it the preliminary report of Mr. Joinet and Mr. Türk (E/CN.4/Sub.2/1990/11).

The independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

67. The Commission on Human Rights at its forty-fifth session, adopted resolution 1989/32 in which it expressed its appreciation and thanks to the Special Rapporteur, Mr. L.M. Singhvi, for his study on this subject (E/CN.4/Sub.2/1985/18 and Add.1-6) and for his draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1); and invited Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary. The Commission also recommended that Governments should provide for the protection of practising lawyers against undue restrictions and pressures in the exercise of their functions, and welcomed the decision of the Sub-Commision to consider the agenda item "Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" at its forty-first session. The Commission further requested the Sub-Commission, under the said agenda item, to consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

68. At its forty-sixth session, the Commission adopted resolution 1990/33 in which it endorsed the invitation by the Sub-Commission to Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers. It also decided to consider the subject-matter at its forty-seventh session.

69. At its forty-second session, the Sub-Commission had before it the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and adopted resolution 1990/23, in which it endorsed the recommendations made in that working paper (ibid: para. 76) and entrusted Mr. Joinet with the preparation of a report. The Sub-Commission further requested the Commission to endorse the appointment of Mr. Joinet to undertake that report.

70. At its present session, the Commission will have before it draft resolution VI contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/19).

Draft declaration on enforced or involuntary disappearances

71. The question of a draft declaration against unacknowledged detention of persons was examined at the thirty-ninth and fortieth sessions of the Sub-Commission by its sessional Working Group on Detention (see E/CN.4/Sub.2/1987/15 and E/CN.4/Sub.2/1988/28) pursuant to Commission decision 1986/106 and Commission resolutions 1987/33 and 1988/33, paragraph 5. In paragraph 7 of the latter resolution, the Commission called upon its special rapporteurs and working groups to give particular attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons.

72. The Working Group on Detention, at its 1988 and 1989 sessions, gave consideration to a draft declaration on the protection of all persons from enforced or involuntary disappearances (see E/CN.4/Sub.2/1988/28, annex I and E/CN.4/Sub.2/1989/29/Rev.1, annex I). At its 1990 session, the Working Group adopted the draft declaration (E/CN.4/Sub.2/1990/32, annex) and submitted it to the Sub-Commission, which, in its resolution 1990/33, adopted the draft declaration and transmitted it to the Commission with the recommendation that it be endorsed and submitted to the Economic and Social Council and the General Assembly for final adoption.

73. At the present session the Commission will have before it the draft declaration (E/CN.4/Sub.2/1990/32, annex) and draft decision 3 contained in chapter I, section B, of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59).

Hostage-taking

74. At its forty-sixth session, the Commission adopted resolution 1990/36, in which it decided to remain seized of the question at its forty-seventh session.

Human rights in the administration of justice

75. At its forty-fourth session, the General Assembly adopted resolution 44/162, in which it requested the Commission to invite the Sub-Commission to study the practical implementation of United Nations norms and standards in the administration of justice and human rights.

76. At its forty-sixth session, the Commission adopted resolution 1990/81, in which it invited the Secretary-General to establish a consolidated list of provisions in the various United Nations standards in this field relevant for the drafting of such model texts. It also invited the Secretary-General to forward this list, together with the comments solicited in accordance with General Assembly resolution 44/162, to the Sub-Commission at its forty-second session and inform the Commission at its forty-seventh session on the decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to human rights in the field of the administration of justice. The Commission invited the Sub-Commission to study, taking these comments into account, the implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission and to consider the elaboration of model texts for national legislation in this field and to report thereon to the Commission at its forty-seventh session. It further decided to consider the question of human rights in the administration of justice at its forty-seventh session.

77. The Sub-Commission has taken no action in this regard.

78. At its present session, the Commission will have before it a note by the Secretary-General in accordance with paragraph 10 of resolution 1990/81 (E/CN.4/1991/19).

Right to a fair trial

79. At its forty-sixth session, in its decision 1990/108, the Commission welcomed the decision of the Sub-Commission to appoint Mr. Chernichenko and Mr. Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial.

80. At its forty-second session, the Sub-Commission had before it the brief report prepared by Mr. Chernichenko and Mr. Treat and adopted resolution 1990/18, in which it decided to entrust the two rapporteurs with the preparation of such a study. The Sub-Commission recommended to the Economic and Social Council, through the Commission, to endorse the appointment.

81. At the present session the Commission will have before it the brief report of Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1990/34) and draft resolution V contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59).

Question of human rights of persons subjected to any forms of detention and imprisonment

82. At its forty-second session, the Sub-Commission considered the revised report of Mr. Joinet (E/CN.4/Sub.2/1990/29 and Add.1) and adopted resolution 1990/22, by which it transmitted to the Commission the

recommendations made by the rapporteur (E/CN.4/Sub.2/1990/29/Add.1). It invited the Commission to consider the different proposals for the purpose of either acting upon one of them, if it so chooses, or requesting the Sub-Commission to elaborate further upon the proposal which the Commission deems the most appropriate.

83. At its present session, the Commission will have before it the recommendations made by the Special Rapporteur (E/CN.4/Sub.2/1990/29/Add.1).

Other matters

84. In connection with agenda item 10, the Commission may wish to note the following resolutions adopted by the Sub-Commission at its forty-second session: resolution 1990/6 entitled "Compensation for victims of gross violations of human rights" and resolution 1990/21 entitled "Application of international standards concerning the human rights of detained juveniles".

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

(b) National institutions for the promotion and protection of human rights

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

85. The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since 1963 (Commission resolution 8 (XIX)). The title of the item was modified by the addition of the subject of alternative approaches in pursuance of General Assembly resolution 32/130 of 16 December 1977. Regional arrangements and national institutions are also considered by the Commission under this item.

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

86. At its forty-sixth session, the Commission adopted resolution 1990/71 entitled "Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region", in which the Commission requested the Secretary-General to consult the countries of the Asian-Pacific region on the widest possible basis in the implementation of the resolution and submit a further report to the Commission at its forty-seventh session.

87. The attention of the Commission is also drawn to its resolution 1990/72, entitled "Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights", in which it requested the Secretary-General to submit

to the Commission, at its forty-seventh session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1990 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights and decided to continue its consideration of the question at its forty-seventh session.

88. The attention of the Commission should also be drawn to its resolution 1990/75 entitled "Consequences of acts of violence committed by irregular armed groups and drug traffickers for the enjoyment of human rights", by which all special rapporteurs and working groups were requested to pay particular attention to the activities of these groups. The Secretary-General was requested to collect information on this question and make it available to special rapporteurs and working groups.

89. At its forty-sixth session, the Commission also adopted resolution 1990/76 entitled "Co-operation with representatives of United Nations human rights bodies", in which it requested all representatives of United Nations human rights bodies reporting on violations of human rights to the Commission or to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the exercise of their respective mandates: (a) to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal; (b) to devote special attention to the question in their respective reports to the Commission or the Sub-Commission. It also requested the Secretary-General to submit to the Commission, at its forty-seventh session, any available information, from all appropriate sources, on reprisals against witnesses or victims of human rights violations.

90. The attention of the Commission may also be drawn to its decisions 1990/110 entitled "World conference on human rights" and 1990/112 entitled "In-depth evaluation of the human rights programme".

91. At its present session, the Commission will have before it the reports of the Secretary-General pursuant to resolution 1990/71 (E/CN.4/1991/21), 1990/72 (E/CN.4/1991/22) and 1990/76 (E/CN.4/1991/24).

Sub-item (b) National institutions for the promotion and protection of human rights

92. At its forty-fourth session, the General Assembly adopted resolution 44/64, by which it requested the Secretary-General to prepare, with the assistance of experts, if necessary, and including materials submitted by Governments, a report containing conceptual models of national institutions for the promotion and protection of human rights, to be submitted to the Commission on Human Rights at its forty-seventh session. It further invited the Secretary-General to include in his updated report all the information provided by Governments and any additional information that Governments may wish to provide, with particular emphasis on the functioning of various models of national institutions in implementing international standards on human rights, as well as a list of existing national institutions with contact points and a bibliography of relevant materials.

93. At its forty-sixth session, the Commission, in resolution 1990/73, requested the Secretary-General to convene a workshop, to be financed from the Regular Programme of Technical Co-operation, with the participation of national and regional institutions for the promotion and protection of human rights, to review, inter alia, their co-operation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally and to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

94. The Economic and Social Council, by decision 1990/241, endorsed the request to organize a workshop.

95. At its forty-seventh session, the Commission will have before it a report of the Secretary-General prepared pursuant to General Assembly resolution 44/64 (E/CN.4/1991/23).

Sub-item (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

96. At its forty-sixth session, the Commission adopted resolution 1990/70 entitled "Streamlining the system of preparation of reports and studies by the Secretary-General", in which it requested the Secretary-General to prepare and dispatch to Governments, after each session of United Nations human rights bodies, a list containing operative paragraphs of all resolutions and decisions which require preparation of reports and studies, together with a tentative schedule of their preparation, and to send corresponding notes verbales as soon as possible as reminders of the list.

97. As to this sub-item, the Commission may wish to recall its decisions 1990/111 and 1990/115. By decision 1990/111, it decided to postpone to its forty-seventh session the consideration of draft resolution I that the Sub-Commission at its forty-first session had recommended for adoption (E/CN.4/1990/2, chap. I, sect. A). By its decision 1990/115, the Commission decided to establish, during its forty-seventh session, a sessional working group to continue its work with a view to presenting its recommendations to the Commission, and encouraged delegations to hold informal consultations among themselves on the matter (note of the Chairman of the Working Group: E/CN.4/1990/91). The Economic and Social Council in decision 1990/249, endorsed this request.

98. In this regard, attention should be drawn to Economic and Social Council resolution 1990/48, by which the Council decided to increase the membership of the Commission to 53 and to allocate the 10 additional seats among the regional groups of Africa, Asia and Latin America and the Caribbean. In the same resolution, it further took the following decisions:

(a) The enlarged membership of the Commission shall be elected in 1991 and the provisions contained in operative paragraphs 3, 4 and 5 of resolution 1990/48 shall take effect at the forty-eighth session of the Commission (operative para. 2);

(b) Authorization to the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agree (operative para. 3);

(c) The mandates of the thematic rapporteurs and working groups established or to be established by the Commission shall, unless otherwise decided, be of three years' duration, the Secretary-General shall provide the rapporteurs and working groups with all the assistance necessary to carry out their mandates in the best possible conditions, and all Governments are called on to co-operate fully with them and to support and promote their activities by ensuring unhampered access to all relevant sources of information (operative para. 4);

(d) In the week following the session of the Commission, the Bureau shall meet to make suggestions about the organization of work of the Commission, including the effective use of conference time and facilities (operative para. 5); and

(e) The Secretary-General shall prepare a report on the organizational implications of the present resolution for consideration by the Commission on Human Rights at its forty-seventh session, and the Commission shall submit its observations to the Economic and Social Council at its first regular session of 1991 (operative para. 6).

99. Attention is also drawn to Economic and Social Council resolution 1990/47 "Developments relevant to the activities of the Centre for Human Rights".

100. At its present session, the Commission will have before it the report of the sessional working group (E/CN.4/1991/26), and the report of the Secretary-General pursuant to Economic and Social Council resolution 1990/48 (E/CN.4/1991/25). It will also have before it draft resolution I recommended by the Sub-Commission at its forty-first session (E/CN.4/1990/2, chap. I, sect. A).

Item 12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations

101. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of

human rights wherever they might occur. Pursuant to these resolutions, the Commission, adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

102. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175 entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to co-operate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Sub-item (a) Question of human rights in Cyprus

103. This question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. The Commission has had this question on its agenda since then; at its forty-sixth session, by decision 1990/104, the Commission decided to postpone debate on the item to its forty-seventh session and to give it due priority. It requested the Secretary-General to provide a report to the Commission regarding the implementation of its previous resolutions on the subject (E/CN.4/1991/27).

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations

104. By resolution 1503 (XLVIII) of 27 May 1970, entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms", the Economic and Social Council established a procedure for dealing with communications. Particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) were before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to 46 countries have been placed before the Commission under the procedure.

105. Since its thirtieth session in 1974 (see Commission decision 3 (XXX) of 6 March 1974), the Commission has annually set up a working group of five of its members, due account being taken of considerations of geographical distribution, to meet for one week prior to the Commission's following session, to examine the particular situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) and those situations of which the Commission has been seized under that procedure, and to make recommendations to the Commission on the course of action to be taken in respect of each particular situation. By resolution 1990/41 of 25 May 1990, the Economic and Social Council, acting on the recommendation contained in Commission resolution 1990/55 of 7 March 1990, authorized the establishment of the working group, to be referred to as the Working Group on Situations, on a permanent basis, instead of the earlier ad hoc basis. For the composition of the Working Group on Situations meeting prior to the Commission's forty-seventh session, see the report of the Commission on its forty-sixth session (E/CN.4/1990/22, chap. XII, para. 451).

106. At its thirtieth session, the Commission also decided that the Governments concerned should thenceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3 (XXX), para. 4).

107. In 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

108. In 1979, the Commission decided to authorize its working groups in future to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (decision 14 (XXXV)).

109. In 1980, the Commission decided that the States invited to attend the closed meeting of the Commission under council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI) of 7 March 1980).

110. All actions taken under the procedure governed by Council resolution 1503 (XLVIII) remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

111. At its forty-seventh session, the Commission will have before it the report of its Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-second session of the Sub-Commission (E/CN.4/1991/R.1 and addenda), a report relating to the implementation of a confidential decision adopted at the Commission's last session and such observations as may be received from

the Governments concerned (to be issued in the E/CN.4/1991/R... series). In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

112. Chapter X of the report of the Sub-Commission on the work of its forty-second session (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59) is also relevant to this sub-item.

Situation of human rights in various countries

113. At its forty-sixth session, the Commission considered, and took action on, the situation of human rights in the following countries:

(a) Situation of human rights in Cuba. By its resolution 1990/48, the Commission requested the Secretary-General to provide to the Commission at its forty-seventh session the results of the contacts with the Government of Cuba referred to in that resolution;

(b) Situation of human rights in Albania. By its resolution 1990/49, the Commission decided to continue its consideration of the situation of human rights in Albania at its forty-seventh session;

(c) Situation of human rights in Romania. By its resolution 1990/50, the Commission decided to extend the mandate of the Special Rapporteur for a further year and requested him to report to the Commission, at its forty-seventh session. The Economic and Social Council, in decision 1990/232 endorsed this decision of the Commission;

(d) Situation of human rights in Afghanistan. By its resolution 1990/53, the Commission decided to extend the mandate of the Special Rapporteur for one year and requested him to report to the Commission, at its forty-seventh session. The Economic and Social Council endorsed the Commission decision in its decision 1990/234;

(e) Situation of human rights in southern Lebanon. By its resolution 1990/54, the Commission decided to continue its consideration of the subject-matter at its forty-seventh session;

(f) Situation of human rights in Haiti. By its resolution 1990/56, the Commission requested its Chairman to appoint an independent expert to examine the developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements and to report to its forty-seventh session on developments in the human rights situation in Haiti. The Economic and Social Council, in decision 1990/235, endorsed this decision of the Commission. Pursuant to the request, the Chairman appointed Mr. Philippe Texier (France) as Independent Expert;

(g) Situation of human rights in El Salvador. By its resolution 1990/77, the Commission decided to extend the mandate of the Special Representative for another year and to consider at its forty-seventh session the situation of

human rights in El Salvador and the mandate of the Special Representative, taking into account developments of the human rights situation in that country. The Economic and Social Council, in its decision 1990/242 endorsed this decision;

(h) Situation of human rights in Chile. By its resolution 1990/78, the Commission decided not to renew the mandate of the Special Rapporteur and requested the Government of Chile to report, at a special meeting of the forty-seventh session, on the follow-up to the recommendations adopted by the United Nations up to 11 March 1990 in connection with the restoration in Chile of the human rights and fundamental freedoms with which it will have been able to deal;

(i) Situation of human rights in the Islamic Republic of Iran. By its resolution 1990/79, the Commission decided to extend for a further year the mandate of the Special Representative and requested him to submit a final report to the Commission at its forty-seventh session. The Economic and Social Council, by its decision 1990/243, endorsed the Commission's decision.

Summary or arbitrary executions

114. At its forty-sixth session, the Commission adopted resolution 1990/51, by which it decided to extend the mandate of the Special Rapporteur on the subject-matter for a further two years in order to enable him to submit further conclusions and recommendations to the Commission and decided to consider the question at its forty-seventh session, as a matter of high priority. The Economic and Social Council, by decision 1990/233, approved the extension of the Special Rapporteur's mandate.

Human rights and mass exoduses

115. At its forty-sixth session, the Commission adopted resolution 1990/52 in which the Commission, inter alia, urged the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies and ensuring that data collection and information handling processes are harmonized and, where possible, that use be made of computerized systems; looked forward to the report of the Secretary-General to the General Assembly at its forty-fifth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees; and decided to continue consideration of the question at its forty-seventh session.

Human rights in times of armed conflicts

116. At its forty-sixth session, the Commission adopted resolution 1990/66, in which it requested the Secretary-General to solicit information on the scope of education provided to members of the police and the armed forces and submit to the Sub-Commission, at its forty-second session, an analytical review of the replies received. The Sub-Commission was called upon to study the matter further with a view to making proposals to the Commission for further action in this field. No action was taken by the Sub-Commission at its forty-second session.

Sale of children

117. On the recommendation of the Working Group on Contemporary Forms of Slavery, the Commission adopted resolution 1990/68, by which it decided to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Rapporteur was requested to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters. The Economic and Social Council, in its decision 1990/240, endorsed this decision of the Commission.

118. Following consultations with the other members of the Bureau, the Chairman of the Commission appointed Mr. Vitit Muntarbhorn (Thailand) on 1 August 1990 as Special Rapporteur to undertake the said report.

Human rights based on solidarity

119. The Commission may wish to recall General Assembly resolution 44/148, in which the Assembly requested the Commission to obtain the views on those matters of States, specialized agencies and organizations of the United Nations system, and of other international organizations, including non-governmental organizations, and to study the question.

Action of the Sub-Commission, at its forty-second session

120. At its forty-second session, the Sub-Commission adopted resolution 1990/13 entitled "Situation in Iraq and in occupied Kuwait", in which it recommended to the Commission to study, at its forty-seventh session, the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq.

121. Attention may also be drawn, in that regard, to Sub-Commission decisions 1990/108 and 1990/109.

122. At the same session, the Sub-Commission adopted resolution 1990/15 entitled "Situation in East Timor", in which it recommended to the Commission to consider, at its forty-seventh session, the situation pertaining to human rights and fundamental freedoms in East Timor and asked the Secretariat to transmit to the Commission all the reliable information received.

123. In the framework of the present item, the attention of the Commission may also be drawn to the following resolutions adopted by the Sub-Commission, at its forty-second session: 1990/8 "Assassination of Professor Kazem Rajavi on political grounds", 1990/9 "Situation of human rights in the Islamic Republic of Iran", 1990/11 "Situation of human rights in Guatemala", 1990/14 "Situation of human rights in El Salvador", and decision 1990/112 "Situation in Lebanon".

Documentation

124. Pursuant to its own resolutions, adopted at the forty-sixth session, as well as, in some instances, the resolutions of the General Assembly and the Economic and Social Council, the Commission will have before it the following documentation:

(a) Report of the Secretary-General on the human rights situation in Cyprus (decision 1990/104), E/CN.4/1991/27;

(b) Note by the Secretary-General furnishing information on his ongoing contacts with the Government of Cuba (resolution 1990/48, para. 3) E/CN.4/1991/28;

(c) Report of the Secretary-General on the human rights situation in Albania (resolution 1990/49, para. 2), E/CN.4/1991/29;

(d) Report of the Special Rapporteur on the human rights situation in Romania (resolution 1990/50, para. 6), E/CN.4/1991/30;

(e) Report of the Special Rapporteur on the human rights situation in Afghanistan (resolution 1990/53, para. 12), E/CN.4/1991/31;

(f) Report of the Secretary-General on the human rights situation in southern Lebanon (resolution 1990/54, para. 5), E/CN.4/1991/32;

(g) Report of the Independent Expert on Haiti (resolution 1990/56, para. 12), E/CN.4/1991/33;

(h) Report of the Special Representative on the situation of human rights in El Salvador (resolution 1990/77 para. 17), E/CN.4/1991/34;

(i) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (resolution 1990/79, para. 14), E/CN.4/1991/35;

(j) Report of the Special Rapporteur on summary or arbitrary executions (resolution 1990/51), E/CN.4/1991/36;

(k) Note by the Secretary-General pursuant to Sub-Commission resolution 1990/15, E/CN.4/1991/37;

(l) Comprehensive report of the Special Rapporteur on sale of children (resolution 1990/68), E/CN.4/1991/51.

Item 13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

125. Questions concerning the human rights of migrant workers have been the subject of attention at several sessions of the Commission. By resolution 34/172 of 17 December 1979, the General Assembly decided to create at its thirty-fifth session a working group open to all member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. Accordingly, at its thirty-fifth session, the General Assembly established an open-ended Working Group on this subject, whose mandate has since been renewed regularly.

126. At its forty-sixth session, the Commission adopted resolution 1990/44, in which it requested the Secretary-General to inform the Commission at its forty-seventh session of the further progress made in this regard.

127. The Working Group completed its task in June 1990 and transmitted the draft convention to the General Assembly for action in accordance with General Assembly resolution 44/155.

128. At its forty-seventh session, the Commission will have available to it the 1990 reports of the General Assembly's Working Group (A/C.3/44/4 and A/C.3/45/1).

Item 14. Human rights and scientific and technological developments

129. Following resolution XI of the International Conference on Human Rights (Tehran, 1968), human rights problems arising from scientific and technological developments have been examined by the General Assembly at various sessions. They have also been on the agenda of the Commission as a standing item since its twenty-seventh session. At its thirty-ninth session, the Commission decided to consider this item on a biennial basis, beginning at its fortieth session.

Draft body of guidelines, principles and guarantees for the protection of mentally-ill persons

130. By resolution 1988/62, the Commission requested the Sub-Commission to complete the work on the draft body of guidelines, principles and guarantees for the protection of mentally-ill persons. At its fortieth session, by its resolution 1988/28, the Sub-Commission adopted the draft body of principles and guarantees and submitted it to the Commission at its forty-fifth session.

131. By its resolution 1989/40, the Commission decided to establish an open-ended working group to examine, revise and simplify as necessary the draft body. The Economic and Social Council, in resolution 1989/76, endorsed the request. The Working Group met from 8 to 19 January 1990.

132. At its forty-sixth session, the Commission, having taken note of the report of the Working Group (E/CN.4/1990/31), adopted resolution 1990/38, in which it invited the Working Group to pursue its work and recommended to the Economic and Social Council to authorize an open-ended working group to meet for a period of two weeks prior to the forty-seventh session of the Commission. The Council, by resolution 1990/37, endorsed the recommendation.

133. The Working Group met from 29 October to 9 November 1990. Its report will be before the Commission in document E/CN.4/1991/39.

Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms

134. At its forty-sixth session, the Commission adopted resolution 1990/39, in which it invited the United Nations University to submit to the Commission at its forty-seventh session, a final report of its study prepared in accordance with Commission resolution 1988/59.

135. At its present session, the Commission will have before it a note by the Secretary-General transmitting the final report of the United Nations University (E/CN.4/1991/38).

Movement and dumping of toxic and dangerous products and waste

136. At its forty-sixth session, the Commission adopted resolution 1990/43, by which it requested the Secretary-General to submit a report on the results of the negotiations between the United Nations Environment Programme and the Organization of African Unity to the Commission, at its forty-seventh session.

137. At its forty-seventh session, the Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1990/7).

Human rights and the environment

138. At its forty-sixth session, the Commission adopted resolution 1990/41, in which it requested the Secretary-General to transmit this resolution to the Preparatory Committee of the United Nations Conference on Environment and Development, and to keep the Commission duly informed of the work in this field.

139. At its forty-second session, the Sub-Commission adopted resolution 1990/7, in which it appointed Mrs. Fatma Ksentini to prepare a study on human rights and environment, and recommended to the Economic and Social Council, through the Commission, to endorse this appointment.

140. At its forty-seventh session, the Commission will have before it the precise note prepared by Mrs. Ksentini pursuant to Sub-Commission decision 1989/108 (E/CN.4/Sub.2/1990/12) and draft resolution IV, contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59).

Item 15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

141. The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted and opened for signature and ratification on 30 November 1973 by General Assembly resolution 3068 (XXVIII). It entered into force on 18 July 1976.

142. In 1980, the Commission decided, by resolution 12 (XXXVI), to maintain this question on its agenda as a standing item.

143. At its forty-sixth session, the Commission adopted resolution 1990/12, in which it requested the Group of Three to continue, in light of the views expressed by States Parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission on Human Rights at its forty-seventh session, and decided that the Group of Three should meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States Parties in accordance with article VII of the Convention.

144. The Economic and Social Council, by decision 1990/223 endorsed the decision of the Commission.

145. At its forty-seventh session, the Commission will have before it:

(a) A note by the Secretary-General concerning the status of the Convention and the submission of reports by States Parties in accordance with article VII (E/CN.4/1991/40);

(b) Reports received from States Parties to the Convention in accordance with article VII thereof (E/CN.4/1991/40 and further addenda as required);

(c) Views and information submitted by States Parties, specialized agencies and non-governmental organizations, in accordance with Commission resolution 1990/12 (E/CN.4/1991/41 and addenda as required);

(d) The report of the Group of Three (E/CN.4/1991/42).

Item 16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

146. In resolution 1990/13, adopted at its forty-sixth session, the Commission requested the Secretary-General to inform the Commission of the measures taken, pursuant to General Assembly resolution 42/47, to ensure the inclusion in the bienniums 1990-1991 and 1992-1993 of sufficient resources to provide for implementation of the activities of the Second Decade for Action to Combat Racism and Racial Discrimination; and to inform the Commission annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto, and requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives. The Economic and Social Council in its decision 1990/224 endorsed this decision.

147. At its first regular session of 1990, the Economic and Social Council adopted resolution 1990/49 on the subject-matter, in which it invited the Secretary-General to continue with the implementation of the activities for

the period 1990-1993 and requested him, in that context, to continue to accord the highest priority to measures to combat apartheid. The Council also requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families.

148. Pursuant to Commission resolution 1987/12, the Secretary-General organized a seminar on political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid, which took place from 10 to 14 December 1990, at Geneva.

149. At its current session, the Commission will have before it:

(a) The report of the Secretary-General on the Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1991/43);

(b) The annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1991/44);

(c) The annual report on racial discrimination submitted by the UNESCO (E/CN.4/1991/45);

(d) The report of the Seminar on Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and Apartheid.

Item 17. Status of the International Covenants on Human Rights

150. By its resolution 1990/20, the Commission requested the Secretary-General to submit to it, at its forty-seventh session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights and the work of the Council and the Committee on Economic, Social and Cultural Rights (A/45/), as well as the reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1) and the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2).

Item 18. Effective functioning of bodies established pursuant to United Nations human rights instruments

151. This item is included in the provisional agenda of the Commission pursuant to its resolution 1990/21, entitled "Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems". In this resolution, the Commission requested the Secretary-General to report to its forty-seventh session on the progress made in the implementation of that resolution.

152. In this regard, attention should be drawn to Economic and Social Coucil decision 1990/226 on this subject.

153. In resolution 1990/25, adopted at the forty-sixth session, the Commission requested the Secretary-General to report to the current session of the Commission on the comments of the treaty-bodies; recommended that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a "contingency reserve fund" made up of that portion of State Party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year - normally credited against the contribution of State Parties - provided that the agreement of a State Party must first be obtained before its own over-assessment is paid into this fund, with the fund to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received; requested the Secretary-General to convene the forthcoming meeting of persons chairing human rights treaty bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the conclusions and recommendations of the meeting at that session; invited the meeting of persons chairing human rights treaty bodies to discuss the range of problems affecting the effective implementation of human rights treaties; requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making; and further requested the Secretary-General to submit a report on the situation and developments regarding the logistical and human resources support for the increasing activities in the field of human rights of the Centre for Human Rights, in particular on the servicing needs of the human rights treaty bodies, the provisions for servicing included in the United Nations budget and the implementation of these provisions, to the Economic and Social Council at its first regular session of 1990.

154. The Economic and Social Council, by decision 1990/227, endorsed the Commission's request to the Secretary-General to convene a meeting of the persons chairing human rights treaty bodies.

155. At its forty-seventh session the Commission will have before it the report of the Secretary-General pursuant to Commission resolution 1990/21 (E/CN.4/1991/46).

Item 19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session

156. The report of the Sub-Commission is considered annually by the Commission. The report of the Sub-Commission's work at its forty-second session is contained in document E/CN.4/1991/2-E/CN.4/Sub.2/1990/59.

157. At its forty-second session, the Sub-Commission adopted 34 resolutions and 26 decisions which are reproduced in the report.

Draft resolutions and decisions for action by the Commission on Human Rights

158. Chapter I, sections A and B, of the report of the Sub-Commission contain seven draft resolutions and three draft decisions proposed to the Commission for action. They are as follows:

Draft resolutions	Title
I.	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa.
II.	Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.
III.	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities.
IV.	Human rights and the environment.
V.	Right to a fair trial.
VI.	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
VII.	Programme of action for the elimination of the exploitation of child labour.

Draft decisions	Title
1.	Question of human rights and states of emergency.
2.	Draft universal declaration of indigenous rights.
3.	Draft declaration on the protection of all persons from enforced and involuntary disappearances.

Resolutions and decisions of the Sub-Commission drawn to the attention of the Commission on Human Rights

159. Chapter I, section C, of the Sub-Commission's report, lists the resolutions and decisions of the Sub-Commission which are drawn to the Commission's attention for its consideration or action.

Report of the Chairman of the Sub-Commission

160. In its resolution 1990/64, the Commission called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council. The Commission reaffirmed that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out

under its auspices. Further, the Commission requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines contained in Commission resolution 1990/64.

161. By the same resolution, the Commission invited its Chairman, Mrs. Quisumbing, to inform the Sub-Commission on the debate of the forty-sixth session of the Commission under this item. The Chairman of the Commission addressed the forty-second session of the Sub-Commission, at its 25th meeting, on 24 August 1990 (see: E/CN.4/Sub.2/1990/SR.25).

162. Under this item, the attention of the Commission is drawn to Sub-Commission resolution 1990/4 entitled "Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council".

163. By this resolution, the Sub-Commission recommended, through the Commission, to the Economic and Social Council, to adopt a footnote to rule 59 of the rules of procedure which would allow the Sub-Commission to vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot (draft resolution II).

164. The attention of the Commission is further drawn to Sub-Commission resolution 1990/31 "Programme of action for the elimination of the exploitation of child labour", by which the Commission is requested to adopt draft resolution VII submitted by the Sub-Commission.

Documentation

165. At the current session, the Commission will have before it under this item the following documents:

(a) Report of the Sub-Commission on its forty-second session (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59);

(b) Note by the Secretary-General transmitting the report of the Working Group on Indigenous Populations (E/CN.4/1991/47);

(c) Report of the Chairman of the Sub-Commission pursuant to Commission resolution 1990/64 (E/CN.4/1991/48);

(d) Report of the Secretary-General pursuant to Commission resolution 1990/67 (E/CN.4/1991/50);

Item 20. Rights of persons belonging to national, ethnic, religious and linguistic minorities

166. At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (E/CN.4/L.1367) which was intended to serve as a starting point for an exchange of views. The Commission has continued to examine this question at each of its subsequent sessions, at which a sessional open-ended working group has been established by the Commission to consider the matter.

167. At its forty-sixth session, in resolution 1990/45, the Commission requested the Secretary-General to prepare a technical review of the texts of the articles of the draft declaration that have been approved by the Working Group at its first reading, to invite comments, for consideration of the Working Group, from Governments, specialized agencies, intergovernmental and non-governmental organizations, on the text of the draft articles and submit an analytical compilation of the comments received. By the same resolution, the Commission recommended to the Economic and Social Council that it be authorized to convene an open-ended Working Group to meet for no fewer than 10 fully-serviced meetings during the first two weeks of the forty-seventh session to continue work on the draft declaration. The Council, in resolution 1990/39, endorsed this request.

168. The Sub-Commission also examined the question, at its thirty-second, thirty-third, thirty-seventh, thirty-eighth, fortieth and forty-first sessions (Sub-Commission decisions 1 (XXXII), 1 (XXXIII) and 1984/101 and resolutions 1985/6, 1988/36 and 1989/44).

169. At its fortieth session, the Sub-Commission invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities, (resolution 1988/36). At its forty-first session, the Sub-Commission decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (resolution 1989/44).

170. At its forty-second session, having considered the progress report submitted by Mr. Eide (E/CN.4/Sub.2/1990/46), the Sub-Commission adopted resolution 1990/5, by which it requested the Special Rapporteur to submit a preliminary report to the Sub-Commission, at its forty-third session, on the progress made in his study. The Sub-Commission further recommended to the Commission to endorse the methods proposed by the Special Rapporteur for the further study and request the Secretary-General, in assisting the Special Rapporteur, to organize a technical meeting of experts for three days.

171. At its forty-seventh session, the Commission will have before it an analytical compilation of the Secretary-General on comments received as to the draft declaration (E/CN.4/1991/52), the report of the Working Group established under Economic and Social Council resolution 1990/39 (E/CN.4/1991/53), and draft resolution III contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1991/2-E/CN.4/Sub.2/1990/59).

Item 21. Advisory services in the field of human rights

172. At its forty-sixth session, in resolution 1990/57, the Commission requested the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by the Government. It requested the Expert to report to the Commission at its forty-seventh session. The Economic and Social Council, by decision 1990/236, endorsed the Commission's recommendation.

173. In its resolution 1990/58, the Commission requested the Secretary-General to report to the Commission, at its forty-seventh session, on the progress made in the implementation of the programme of advisory services in the field of human rights. The Economic and Social Council, in decision 1990/237, approved the Commission's request to the Secretary-General to provide urgently more human and financial resources for the enlargement of advisory services.

174. In resolution 1990/59, the Commission requested the Secretary-General to continue to elaborate guidelines on the use and allocation of the resources available through the Voluntary Fund for Advisory Services and Technical Assistance and to report annually to the Commission on the operation and administration of the Fund.

175. By resolution 1990/61, the Commission decided to consider at its forty-seventh session, the question of assistance to Paraguay in the field of human rights.

176. In the framework of this item, attention is drawn to paragraph 2 of Commission resolution 1990/37 entitled "Use of force by law enforcement officials".

177. At its present session, the Commission, under this item, will have before it the following documents:

(a) The report of the Expert on Equatorial Guinea (E/CN.4/1991/54);

(b) The report of the Secretary-General on advisory services and technical assistance, including the administration of the Voluntary Fund (E/CN.4/1991/55).

Item 22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

178. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), the consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

179. At its forty-second session, by its resolution 1986/20, the Commission decided to appoint a Special Rapporteur to examine incidents and governmental actions which are inconsistent with the provisions of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief. Mr. Angelo Vidal D'Almeida Ribeiro (Portugal) was designated Special Rapporteur; his mandate was extended by the Commission at subsequent sessions and most recently for two years, by Commission resolution 1988/55.

180. At its forty-sixth session, in resolution 1990/27, the Commission decided to extend for a further two years the mandate of the Special Rapporteur. This decision was approved by the Economic and Social Council in decision 1990/229.

181. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/56).

Item 23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

182. This item was included in the agenda of the forty-seventh session by Commission resolution 1990/47, adopted at its forty-sixth session. By the same resolution, the Commission decided to continue at its forty-seventh session its work on the elaboration of the draft declaration, using as a basis the views expressed and proposals made in the working group at its previous sessions. The Commission recommended to the Economic and Social Council to authorize an open-ended working group to meet for a period of eight working days prior to the forty-seventh session of the Commission. The Council, by its resolution 1990/40, endorsed the request of the Commission.

183. At its forty-seventh session, the Commission will have before it the report of the working group (E/CN.4/1991/57) scheduled to meet from 16 to 25 January 1991.

Item 24. Status of the Convention on the Rights of the Child

184. The item was included in the provisional agenda of the forty-seventh session of the Commission by a decision of the Commission in its resolution 1990/74. It further requested the Secretary-General to prepare a report on the status of the Convention and transmit to the Commission the report of the World Summit for Children.

185. At its present session, the Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1991/58) and a note by the Secretary-General transmitting the report of the World Summit for Children (E/CN.4/1991/59).

Item 25. Draft provisional agenda for the forty-eighth sesssion of the Commission

186. Rule 9 of the rules of procedure provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

187. The Commission will have before it, before the conclusion of the forty-seventh session, a note for its consideration containing a draft provisional agenda for its forty-eighth session, together with information concerning the corresponding documentation (E/CN.4/1991/L.1).

Item 26. Report to the Economic and Social Council on the forty-seventh session of the Commission

188. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
25 January to 8 March 1991

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-seventh session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 28 January to 8 March 1991. The first meeting will be convened at 11 a.m. Monday, 28 January 1991.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. The forty-seventh session of the Commission is expected to be preceded by meetings of four groups in connection with the following items:

(a) Item 12 (b): Working Group on Situations, composed of five members of the Commission, to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41) is scheduled to meet from 21 to 25 January 1991;

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*/ Re-issued for technical reasons.

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(b) Item 14: an open-ended working group established to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care (Commission resolution 1990/38, Economic and Social Council resolution 1990/37) is scheduled to meet from 29 October to 9 November 1990;

(c) Item 15: the group of three members of the Commission appointed under article IX of the International Convention on Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of that Convention (Commission resolution 1990/12, Economic and Social Council decision 1990/223) is scheduled to meet from 21 to 25 January 1991;

(d) Item 23: an open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1990/47, Economic and Social Council resolution 1990/40) is scheduled to meet from 16 to 25 January 1991.

In-session working groups

4. In connection with item 11, the Commission, by decision 1990/115, and the Economic and Social Council, by decision 1990/249, requested the working group established at the forty-sixth session pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989 to continue its work as a sessional working group during the forty-seventh session with a view to presenting its recommendations to the Commission.

5. In connection with item 20, the Commission, by resolution 1990/45, and the Economic and Social Council, by resolution 1990/39, decided to establish at its forty-seventh session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

6. Any decisions and resolutions affecting the provisional agenda of the forty-seventh session of the Commission, which may be taken by the General Assembly at its forty-fifth session or by the Economic and Social Council at its organizational session in 1991, will be brought to the attention of the Commission in an addendum to the present document. The annotations to the items listed in the provisional agenda will also be issued in an addendum.

Provisional agenda

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Violations of human rights in southern Africa: report of the Ad hoc Working Group of Experts.

6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa.

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

   (b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.

8. Question of the realization of the right to development.

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

   (a) Torture and other cruel, inhuman or degrading treatment or punishment;

   (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

   (c) Question of enforced or involuntary disappearances.

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

   (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-seventh session.

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

14. Human rights and scientific and technological developments.

15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

17. Status of the International Covenants on Human Rights.

18. Effective functioning of bodies established pursuant to United Nations human rights instruments.

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

21. Advisory services in the field of human rights.

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

24. Status of the Convention on the Rights of the Child.

25. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.

26. Draft provisional agenda for the forty-eighth session of the Commission.

27. Report to the Economic and Social Council on the forty-seventh session of the Commission.